



**Michigan Supreme Court
State Court Administrative Office
Trial Court Services Division**
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M E M O R A N D U M

DATE: May 14, 2004

TO: District and Municipal Court Judges
cc: Court Administrators, Clerks, and Magistrates

FROM: Nial Raaen, Director

SUBJ: Implementation of 2004 PA 52; No Proof of Insurance

Some questions have arisen regarding implementation of 2004 Public Act 52, effective May 1, 2004, which requires the court clerk to rescind any previously submitted abstract of default or responsibility for the violation of No Proof of Insurance if the offender previously provided or now provides the court with proof that the vehicle was insured on the date of the violation. This requirement only covers violations occurring between October 1, 2003, and April 30, 2004.

Proof of insurance may have been provided to the court within the original time period to answer the citation, or is being provided now because of a letter the offender recently received from Department of State (DOS). If the court has not already identified and rescinded eligible abstracts, the offender must contact the court and provide this proof of insurance no later than June 30, 2004, in order to get the abstract rescinded.

The only purpose for rescinding the abstract is to cancel the \$150 Driver Responsibility Fee (DRF) previously assessed to the offender. The requirement to rescind the abstract is applicable regardless of whether the offender has defaulted, suspended, or paid the judgment. The court must notify DOS to rescind the abstract in order for the DRF debt to be cancelled.

No refund is made to the offender for fines and costs previously paid to the court for the offense. For violations which are yet unpaid, the court shall not require payment before rescinding the abstract. The court shall not clear any FCJ suspension until the citation is paid in full, including the clearance fee and any applicable 20 percent late fee.

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Violations for No Proof of Insurance occurring on or after May 1, 2004, for which the offender provides proof of insurance, valid on the date of offense, to the court by the due date shall not be abstracted to DOS regardless of whether the offender pays the violation. Any unpaid judgment should follow the noticing procedures found in MCL 257.321a which may eventually result in FCJ suspension.

The procedures chart included in our April 1, 2004 memo referenced abstracting violations as SOS Code 3106, No Insurance Civil Infraction, when a person cited for No Proof of Insurance appears after the due date and is unable to provide proof that the vehicle was insured on the date of the violation. This change from 3100 to 3106 is not required by statute but for those courts which decide to do so, the statistics will be useful for analysis to better identify the number of persons who drive uninsured.

If you have any questions, please contact Sandi Hartnell at hartnells@courts.mi.gov (517) 373-0122.